

Step Three: Get a Permit

It's important because...

Getting a permit for oyster gardening is a simple process, it's free, and it's for your own protection and benefit. The Virginia Marine Resources Commission issues oyster gardening permits. They have provided the simple application form on page 13 that you can cut out, fill out, and mail in to them.

This permit will authorize you to use state-owned waters near your property for the noncommercial culture of shellfish. In other words, it allows you to grow oysters in public waters for your own personal consumption or use, but it does not allow you to sell those oysters commercially. Selling oysters commercially requires other permits from VMRC and the Virginia Department of Health. VMRC does not currently apply size or season harvest regulations to cultured oysters grown for non-commercial purposes.

When you get a permit, you are on record at the VMRC as an aquaculture site. Recording the locations of oyster gardens makes it possible to get a better estimate of how many cultured oysters are in state waters and what positive effect they may be having on water quality. So be sure your efforts are counted!

Another benefit of being a permit-holding gardener is that you now have an additional, publicly-recognized stake in the quality of the waters adjacent to your property. This could be an important factor for the VMRC when they are asked to consider issuing permits for other activities in your neighborhood which may conflict with your use of the state's waters. It could also allow the Virginia Department of Health to see where concentrations of oyster gardening are occurring and compare that data to areas condemned for shellfish and known sources of fecal coliform contamination so that your health can be better protected. You may receive a letter from the Virginia Department of Health, Division of Shellfish Sanitation, warning you that your waterway is "condemned" and you should not consume oysters from it.

By applying for a permit which the VMRC reviews and approves, you also ensure that your oyster garden does not interfere with the public's right to navigate, nor with the growth and health of submerged aquatic vegetation (SAV). If SAV is present near your shoreline, it could be shaded by floats on the surface or damaged by cages placed on the bottom.



Photo courtesy of TOGA.

Here's how you do it...

Complete one signed, original of the permit application form on the facing page if you plan to deploy up to 160 square feet of aquaculture structures in the tidal waters of Virginia for oyster gardening (a non-commercial purpose). You can use Virginia CZM Program's Coastal Geospatial and Educational Mapping System (GEMS) (www.coastalgems.org) to check if oysters grown in your area are safe to consume, locate submerged aquatic vegetation, and even produce your vicinity map and plan view drawing using the application's "mark up" tool.

Be sure to include the required drawings of your containment system and return it to VMRC at the address on the back side of the form. VMRC will forward copies of your application to your Local Wetlands Board and your Local Health Department for their review. The Health Department may contact you if your proposed project is in polluted waters. You should receive notification of your permit approval from VMRC within a few weeks.

If you believe your project will cover more than 160 square feet or may impact navigation or SAV beds, you may need to complete a Joint Permit Application which you can obtain by calling VMRC at (757) 247-2252 or the US Army Corps of Engineers at (757) 201-7652. For more guidance on obtaining shellfish aquaculture permits, ask VMRC for a copy of "Guide to Virginia's Laws, Regulations & Requirements for Marine Shellfish Aquaculture Activities." This guide covers both commercial and non-commercial shellfish farming.

Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures - "Oyster Gardening"

1. Applicant's name and complete mailing address:

Telephone numbers:

Home (____) _____

Work (____) _____

2. Physical address of the project site (if different from above):

Street address: _____

OR

Local Tax Map No.: _____

3. Waterbody at the project site:

a tributary to _____ in _____ County/City

4. Please provide accurate directions to the project site from the nearest intersection of two state roads:

5. Description of the aquaculture structures to be employed:

Floats: Size (LxWxH in inches) _____ Number to be used _____

Bottom Cages: Size (LxWxH in inches) _____ Number to be used _____

Other structures: Please provide a description including the size and number to be used.

6. (A) Will the structures be secured to an existing private pier?

(B) If yes, will they extend beyond the end of the pier?

(C) If yes, how far channelward of the pier will they extend and what is the distance to the recognized channel?
_____ feet.

What is the width of the waterway at the project site (mean low water to mean low water)?

_____ feet.

7. If you answered NO to question 6 (A) above, will they be located in the waters immediately opposite your shoreline? Describe how will the structures be secured.

Note: If new pilings are required to secure the structures, a standard permit may be required. Please call VMRC for details at (757) 247-2252.

